

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



Wisconsin Department of Regulation & Licensing Access to the Public Records of the Reports of Decisions

This Reports of Decisions document was retrieved from the Wisconsin Department of Regulation & Licensing website. These records are open to public view under Wisconsin's Open Records law, sections 19.31-19.39 Wisconsin Statutes.

Please read this agreement prior to viewing the Decision:

- The Reports of Decisions is designed to contain copies of all orders issued by credentialing authorities within the Department of Regulation and Licensing from November, 1998 to the present. In addition, many but not all orders for the time period between 1977 and November, 1998 are posted. Not all orders issued by a credentialing authority constitute a formal disciplinary action.
- Reports of Decisions contains information as it exists at a specific point in time in the Department of Regulation and Licensing data base. Because this data base changes constantly, the Department is not responsible for subsequent entries that update, correct or delete data. The Department is not responsible for notifying prior requesters of updates, modifications, corrections or deletions. All users have the responsibility to determine whether information obtained from this site is still accurate, current and complete.
- There may be discrepancies between the online copies and the original document. Original documents should be consulted as the definitive representation of the order's content. Copies of original orders may be obtained by mailing requests to the Department of Regulation and Licensing, PO Box 8935, Madison, WI 53708-8935. The Department charges copying fees. *All requests must cite the case number, the date of the order, and respondent's name as it appears on the order.*
- Reported decisions may have an appeal pending, and discipline may be stayed during the appeal. Information about the current status of a credential issued by the Department of Regulation and Licensing is shown on the Department's Web Site under "License Lookup." The status of an appeal may be found on court access websites at: <http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscca>.
- Records not open to public inspection by statute are not contained on this website.

By viewing this document, you have read the above and agree to the use of the Reports of Decisions subject to the above terms, and that you understand the limitations of this on-line database.

Correcting information on the DRL website: An individual who believes that information on the website is inaccurate may contact the webmaster at web@drl.state.wi.gov

STATE OF WISCONSIN
BEFORE THE VETERINARY EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :

JOEL P. MAYBERRY, D.V.M.,
RESPONDENT.

: FINAL DECISION AND ORDER
: AS TO DR. MAYBERRY
: LS0905133VET
:

[Division of Enforcement Case # (05 VET 8)]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Joel P. Mayberry, D.V.M.
14961 81st Avenue
Chippewa Falls, WI 54729

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Veterinary Examining Board
Department of Regulation & Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Veterinary Examining Board. The Board has reviewed the attached Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Joel P. Mayberry, D.V.M., (DOB January 2, 1968) is duly licensed as a veterinarian in the state of Wisconsin (license # 0004060). This license was first granted on July 9, 1993.
2. Respondent's most recent address on file with the Wisconsin Veterinary Examining Board is 14961 81st Ave., Chippewa Falls, WI 54729.
3. At all times relevant to this action, Respondent was working as veterinarian at the Chippewa Veterinary Clinic in Chippewa Falls, Wisconsin.
4. On January 10, 2005, an 11 year old male cat was seen because he was not eating or drinking. Gary B, Gienapp, D.V.M. performed a physical examination and made a diagnosis of a grade 3/5 heart murmur, flea infestation, and dental disease. Flea control, fluids, and the antibiotics Ampicillin and cephaloridine were given.

5. On January 21, 2005, Respondent performed a routine dental cleaning and polishing. No blood work was performed prior to the procedure. Weight was the only thing noted prior to the surgery. No temperature, heart rate or other vital signs were noted in the examination before the surgery, even though the cat had a heart murmur. A T4 test for thyroid function was not done prior to surgery, despite the fact that the cat was old and had a heart murmur, which put the cat at a higher risk for any complications from anesthetic. The cat had a poor recovery, was restless and uncoordinated, so the cat was given 1 mg butorphenol for sedation and pain management and was kept overnight for observation.

6. On January 22, 2005, the cat's condition deteriorated to the point that he could not stand, had increased respirations, was mentally depressed, and had a temperature of 104° F. Several antibiotics were given Ampicillin ½ cc, flunixin 0.1 cc, furosemide 1 cc, and Banamine 0.1 cc. Later that day, Ampicillin 0.5 ml, and dexamethasone 0.5 ml were also given. Wayne Robert Griffin, D.V.M. provided care and discussed with the owner that the cat may have had a brain thromboembolism during or after the anesthesia.

7. On January 23, 2005, Wayne Robert Griffin, D.V.M. continued to provide care. The cat's symptoms remained the same. Ampicillin 0.5 ml and dexamethasone 0.5 ml were given.

8. From January 24, 2005 through January 27, 2005, Gary Gienapp, D.V.M. and Wayne Robert Griffin, D.V.M. both provided care. The cat did not show any improvement. Prednisone and Clavamox were given to alleviate the symptoms with little success.

9. On January 28, 2005, the cat was discharged and given Clavamox and prednisone tablets.

10. After the cat returned home, the family could not get the cat to eat or drink, and discovered that the cat was blind. When Dr. Griffin was informed that the cat was blind, and was updated with the cat's continuing symptoms, Dr. Griffin speculated that the cat must have suffered a stroke. The family decided to take the cat to see a different veterinarian.

11. On January 31, 2005, the cat was taken to Kindness Animal Hospital. The cat had a very high temperature, was panting and breathing heavily, and was extremely dehydrated. The cat was admitted to administer IV fluids. Lactated Ringers was given. Blood was drawn for a CBC with differential, a full organ chemistry profile, an electrolyte panel, and a thyroid profile.

12. On February 1, 2005, an esophagostomy tube was placed for forced feeding of A/D food. Clindamycin 25 mg was given. The blood work indicated that the kidneys were normal, but liver enzymes, sodium, chloride, WBC, and T4 were all high. A diagnosis of hyperthyroidism was made.

13. On February 2, 2005, the cat's temperature was 101.4° F. Clindamycin was given.

14. On February 3, 2005, the cat's temperature was 104.5° F. IV fluids, Clavamox, and methimazole 5 mg were given. The cat was discharged on A/D food and with feeding directions.

15. On February 7, 2005, the cat died.

16. At the time that this patient was treated, it was Respondent's routine practice to only obtain verbal consents. He did not always obtain written consents for procedures (written consents were only obtained for surgeries) and he did not note in the patient medical record whether or not consent was obtained or if any procedures were offered but the owner declined.

17. There is no documentation in the medical records as to what quantity the cat ate and drank. There is no indication in the medical record whether or not force feeding or tube feeding were tried, whether or not a feeding tube or special food was given to the owner, or if they were offered but the owner declined.

18. There is no documentation in the medical records as to whether or not any written post-op care instructions were given to the owner or what those written instructions were. There is no documentation as to what verbal post-op care

instructions were given to the owner.

CONCLUSIONS OF LAW

1. The Wisconsin Veterinary Examining Board has jurisdiction to act in this matter, pursuant to Wis. Stat. §453.07(2), and is authorized to enter into the attached Stipulation and Order, pursuant to Wis. Stat. §227.44(5).

2. Respondent's failure to recognize the cat's symptoms of no vision, rough waking up, and thrashing as symptoms of an anesthetic reaction and failure to appropriately evaluate, assess, and treat that condition constitutes a violation of Wis. Admin. Code § VE 7.06(1) and he is, therefore, subject to discipline pursuant to Wis. Stats. §453.07(1)(f).

3. Respondent's failure to record and document vital signs, to provide a diagnosis, to provide written post-op care instructions, and to obtain written consent or written refusal for testing do not comply with the minimal requirements of Wis. Admin. Code § VET 7.03 and is a violation of Wis. Admin. Code §§ VE 7.06(1) and VE 7.06(15) and he is, therefore, subject to discipline pursuant to Wis. Stats. §453.07(1)(f).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Joel P. Mayberry, D.V.M. is hereby REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED that:

2. The license previously granted to Joel P. Mayberry, D.V.M., is LIMITED by the conditions that, within 180 days from the date of this Order:

(a). Respondent shall complete a minimum of eight (8) hours of continuing education in the area of pre-operative assessment for administration of anesthesia and post-operative care of companion animals.

(b). Respondent shall complete a minimum of two (2) hours of continuing education in the area of care of geriatric companion animals, and two (2) hours of continuing education in veterinary client patient informed consent, and veterinary record keeping and patient care documentation.

3. Respondent shall be responsible for obtaining the courses required under this Order, for providing adequate course descriptions to the Department Monitor, and for obtaining pre-approval of the courses from the Wisconsin Veterinary Examining Board, or its designee, prior to commencement of the programs.

4. Within thirty (30) days following completion of each course identified in paragraph 2, above, Respondent shall file with the Department Monitor certifications from the sponsoring organization(s) verify his attendance at and successful completion of the required courses.

5. Respondent is responsible for all costs of the educational programs. Respondent shall not apply any of the continuing education credits earned in satisfaction of this Order toward satisfaction of his Wis. Stat. §453.062(2)(a) biennial training requirements.

6. Upon successful completion of the educational programs, and payment of the costs set forth below, Respondent's license to practice veterinary medicine shall be restored to unlimited status.

IT IS FURTHER ORDERED that:

7. Respondent shall, within ninety (90) days from the date of this Order, pay COSTS of this proceeding in the

amount of Six Hundred Fifty (\$650.00) dollars. Payment shall be made payable to the Wisconsin Department of Regulation and Licensing, and mailed or delivered to:

Department Monitor
Division of Enforcement
Department of Regulation and Licensing
P.O. Box 8935
Madison, WI 53708-8935
Telephone (608) 267-3817
Fax (608) 266-2264

8. In the event Respondent fails to timely pay costs, or fails to comply with the continuing education, Respondent's license (# 0004060) SHALL BE SUSPENDED, without further notice or hearing, until Respondent has complied with the terms of this Order.

9. This Order is effective on the date of its signing.

Wisconsin Veterinary Examining Board

By: Robert Spencer D.V.M.
A Member of the Board

5/13/09
Date